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May 27, 1994

Mr. Joseph Franzmathes
U.S. EPA Region IV
345 Courtland Street
Atlanta Georgia 30365

Dear Mr. Franzmathes:

Re: Olin Draft Record of Decision

On May 3, 1994, ADEM submitted the enclosed comments on the draft Record of Decision (ROD) for Olin Corporation, McIntosh, Alabama. Two conference calls were subsequently held on May 5, 1994 and May 11, 1994 between ADEM and the U. S. EPA Region IV RCRA and CERCLA staff pertaining to the Draft Record of Decision (ROD) for Olin Corporation in McIntosh, Alabama. No agreement about future clean-up efforts at the Olin site was reached during either of these conference calls. It remains the Department's position that future clean-up efforts at the Olin facility should be administered under the RCRA program.

A groundwater corrective action program is currently being carried out with success at the Olin site, such effort being administered under the RCRA Permit which was issued September 1, 1986. The area identified in the draft CERCLA ROD as requiring groundwater corrective action is within the RCRA plume and the area influenced by the existing remediation system. The measures proposed by the draft Record of Decision could easily be incorporated into the RCRA permit by modification, thus allowing the Olin Corporation to remain completely under the RCRA program rather than having two separate remediation systems operating on site. Such an arrangement would also eliminate the duplication of effort and conflict in cleanup standards and administrative priorities that would occur when two separate programs attempt to direct the remediation of the same area of contamination.

Also, the Department notes that the remainder of the proposed ROD covers areas under which Olin is currently subject to corrective action under HSWA and the AHWMA (i.e., SWMU's and AOC's). As with the groundwater corrective action concerns, ADEM believes it is appropriate to administer this remedial effort under the RCRA permit which is already in place. This would also avoid duplication of effort and conflict of cleanup standards and administrative priorities for the site.

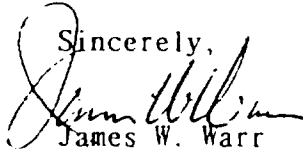
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The Department contends that the issuance of a "No Further Action Taken Under CERCLA" ROD would be appropriate in this case where further action can be taken under the RCRA program. The ROD could include language specifying that it was conditioned upon appropriate modifications to the existing RCRA permit to ensure the identified concerns are addressed. Such a decision would be protective of human health and the environment by providing the needed additional remedial action but doing so under the RCRA program. Under the laws of the State of Alabama, the RCRA hazardous waste program has the authority to require and enforce further remedial action by the Olin Corporation.

It should be noted that RCRA/AHWMMA is required to address this site since it has RCRA/AHWMMA regulated units. The Department is aware of no statutory authority under which this obligation can be abdicated.

We wish to resolve this issue and the upcoming RCRA-CERCLA mid-year offers a forum for discussion. We request that the appropriate personnel from EPA be present at the mid-year.

Sincerely,

James W. Warr
Director

JWW/SAC:cb/HWTECH#273

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